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FILED

IAN 29 2004

Division of Consumer Affairs

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

In the Matter of An Inquiry :
Between Reni Erdos, Director, :
Division of Consumer Affairs :

Administrative Action

and :

CONSENT ORDER

Safeway Tire Mart :
and :
Jamie Gordon, Individually, :
and as owner of Safeway Tire Mart :
RESPONDENTS :

This matter having been opened by the Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Division"), as an investigation in order to ascertain whether violations of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., (hereinafter referred to as the "CFA") and the New Jersey Regulations governing Automotive Repair Practices (hereinafter referred to as the "Regulations"), N.J.A.C. 13:45A-26C.1 et seq., have been or are being committed by Safeway Tire Mart and Jamie Gordon, individually, and as owner of Safeway Tire Mart (hereinafter jointly referred to as "Respondents"), and it appearing that the parties have reached an amicable agreement thereby resolving the issues in controversy and concluding this matter without the need for further action, and Respondents having voluntarily cooperated and consented to the entry of the within order without having admitted any fact or violation of law and for good cause shown.

IT IS on this 24 day of Jan., 2004

ORDERED and AGREED as follows:

BUSINESS PRACTICES

1. Respondents, their officers, directors, agents, employees, successors, and assigns shall fully comply with the Regulations including, but not limited to, providing a breakdown of parts and labor on each customer invoice for all work performed and providing the customer with a legible copy of this invoice as is required by N.J.A.C. 13:45A-26C.2 (a)8.
2. Respondents, their officers, directors, agents, representatives, employees, successors, and assigns are enjoined from charging for any repairs that are unnecessary.
3. Respondents shall post in a conspicuous place the "Consumer Notice" required by N.J.A.C 13:45A-26C.2(a)11.

PAYMENTS TO THE STATE

4. The Respondents shall be jointly and severally liable to pay the State of New Jersey Division of Consumer Affairs penalties and investigative costs in the amount of Three Thousand One Hundred Eighty Seven Dollars and Sixty Cents (\$3,187.59). The aforesated amount shall be payable in four (4) monthly installments. The first monthly installment of One Thousand One Hundred Eighty Seven Dollars and Sixty Cents (\$1,187.60) will be forwarded together with this signed Consent Order on or before January 5, 2004. Then, subsequent payments of Five Hundred Dollars (\$500.00) will be made on February 1, 2004. Each payment shall be due on or before the first day of the month each month thereafter until the last of such payments is made on or before May 1, 2004. Each payment shall be made by certified check or money order made payable to the New Jersey Division of Consumer Affairs. Payment shall be forwarded to: The New Jersey Division of Consumer

Affairs, Office of Consumer Protection, 124 Halsey Street, 7th Floor, P.O. Box 45025, Newark, NJ, 07101, Attention: Case Management Tracking. In the event that any payment is not timely paid on or before the due date, the entire unpaid balance shall immediately become due and owing without notice or presentment.

5. In the event that the Respondents fail to make timely payments pursuant to paragraph 4, Respondents shall be considered in default of this agreement and the Division shall pursue all legal remedies, the costs for which Respondents shall be liable, including, but not limited to, attorney fees and costs of collection.

GENERAL PROVISIONS

6. Entry of this Consent Order by the Respondents is not an admission of any wrongdoing or fault and is done for settlement purposes only.
7. If any provision of this Consent Order or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Consent Order or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby; and each provision of this Consent Order shall be valid and enforced to the fullest extent permitted by law.
8. After signing of this Consent Order, if Respondents engage in any acts or practices which constitute a violation of this Consent Order, the Act or the Regulations, Respondents shall be subject to the imposition of enhanced penalties for such violations pursuant to the provisions of N.J.S.A. 56:8-13.
9. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with the authority to legally bind the respective parties.

10. Nothing contained herein shall bind or affect the rights of any person not a signatory hereto.
11. Nothing contained herein shall bind or affect any position which any party may take in any future or unrelated action.
12. This Consent Order constitutes a final agency order and shall be effective upon filing.
13. The Division has advised Respondents to seek the advise of counsel before entering into this Consent Order.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

BY: 

Reni Erdos, Acting Director New Jersey
Division of Consumer Affairs

DATED:  29, 2004

The undersigned acknowledge that they have read the foregoing order, understand it and agree to be bound by its terms. They hereby consent to the entry of this order, both as to substance and form.

Safeway Tire Mart

By: 

Title: 

Dated: 1/13/04


Jamie Gordon, Individually

Dated: 1/13/04